

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAYMOND WRIGHT,

Petitioner,

v.

W.L.MUNIZ,

Respondent.

1:15-cv-0477-SKO (HC)

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF
CALIFORNIA

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254.

Title 28 U.S.C. § 2241(d) provides as follows which respect to venue, jurisdiction, and transfer in a habeas proceeding pursuant to 28 U.S.C. § 2254:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the

1 other district court for hearing and determination.

2 Although venue is generally proper in either the district of the prisoner's confinement or
3 the convicting court's location, petitions challenging a conviction preferably are heard in the
4 district of conviction, Laue v. Nelson, 279 F.Supp. 265, 266 (N.D.Cal.1968); petitions
5 challenging execution of sentence are preferably heard in the district where the inmate is
6 confined, Dunne v. Henman, 875 F.2d 244, 249 (9th Cir.1989). A court should further consider
7 traditional considerations of venue, such as the convenience of parties and witnesses and the
8 interests of justice. Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 495 (1973).

9 In this case, the petitioner is challenging the conduct of the California Department of
10 Corrections and Rehabilitation with respect to calculation of conduct credit. Petitioner is an
11 inmate of the Salinas Valley State Prison, which is located in Monterey County, which in turn is
12 situated within the Northern District of California. Therefore, the petition should have been filed
13 in the United States District Court for the Northern District of California.

14 In the interest of justice, a federal court may transfer a case filed in the wrong district to
15 the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
16 1974).

17 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
18 States District Court for the Northern District of California.
19 IT IS SO ORDERED.

20 Dated: March 30, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE